

EXHIBIT C

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**TIFFANY SMITH, *on behalf of herself and
All other similarly situated,***

Plaintiff,

v.

**STERLING INFOSYSTEMS-OHIO, INC.,
STERLING INFOSYSTEMS, INC, and
E-VERIFILE.COM, INC.,**

Defendants.

**DECLARATION OF LEONARD A. BENNETT IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, DISMISSING CLAIMS WITH PREJUDICE, AND
AWARDING ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

I, Leonard A. Bennett, hereby declare the following:

1. My name is Leonard A. Bennett. I am over 21 years of age, of sound mind, capable of executing this Declaration, and have personal knowledge of the facts stated herein, and they are all true and correct.

Consumer Litigation Associates, P.C.

2. I am one of the attorneys working on behalf of the Plaintiff and the Class in the above-styled litigation, and I am an attorney and principal of the law firm of Consumer Litigation Associates, P.C., a six-attorney law firm with offices in Hampton Roads and Alexandria, Virginia. My primary office is at 763 J. Clyde Morris Boulevard, Suite 1-A, Newport News, Virginia 23601. I submit this Declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement, Dismissing Claims With Prejudice, and Awarding Attorney's Fees, Costs, and Service Awards.

3. Since 1994, I have been and presently am a member in good standing of the Bar of the highest court of the Commonwealth of Virginia, where I regularly practice law. Additionally, since 1995, I have been a member in good standing of the Bar of the highest court of the State of North Carolina.

4. I have also been admitted to practice before and am presently admitted to numerous other federal courts. I have also been admitted *pro hac vice* in United States District Courts across the country including in Alabama, California, Louisiana, Florida, Rhode Island, Hawaii, New Hampshire, Connecticut, Ohio, South Carolina, Pennsylvania, Arizona, Massachusetts, Tennessee, Georgia, Wyoming, Texas, Washington, Nevada, West Virginia, Wisconsin, Illinois, Michigan, South Dakota, Maryland, and the District of Columbia. I have never been denied admission or admission *pro hac vice*.

5. Since 1996, my practice has been limited to consumer protection litigation. While my experience representing consumers has come within several areas, my most developed area of expertise is in plaintiffs' litigation under the Federal Consumer Credit Protection Act, 15 U.S.C. §1601, *et seq.*, and in particular the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.* Our firm has litigated more FCRA cases and taken more to trial than any or all but two other firms in the nation.

6. Since 2001, I have been asked to and did speak at numerous CLE programs, seminars and events in the area of Consumer Credit Protection litigation, mostly regarding the FCRA.¹

¹ National Consumer Law Center, Consumer Rights Conference, Anaheim, California, Speaker for Multiple Sessions (October 2016); Fair Debt Collection Practices Act/Fair Credit Reporting Act, Norfolk and Portsmouth, VA Bar Association (October 29, 2015); National Consumer Law Center, Consumer Rights Conference, Washington, D.C., Speaker for Multiple Sessions (November 2013); National Consumer Law Center, Fair Debt Collection Practices Act Conference, Fair Credit Reporting Act Claims Against Debt Buyers, March 2013; National Association of Consumer Advocates, Webinar CLE: FCRA Dispute Process, December 2012; Rossdale CLE, Fair Credit Reporting Act (August

7. I testified before the United States House Financial Services Committee on multiple occasions. In 2014, I spoke before the Consumer Financial Protection Bureau Consumer Advisory Board. I have also served on a Federal Trade Commission Round Table and Governor Kaine's Virginia Protecting Consumer Privacy Working Group all within this field. I was recently on the Board of Directors of the National Association of Consumer Advocates, and am on the Partners Council of the National Consumer Law Center, on the Board of Directors for the Virginia Poverty

2012); Virginia Trial Lawyers Association, Advocacy Seminar - October, 2011; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference - Memphis, TN, May 2011; Stafford Publications CLE, National Webinar, "FCRA and FACTA Class Actions: Leveraging New Developments in Certification, Damages and Preemption" (April 2011); National Consumer Law Center, National Consumer Rights Conference, Boston, Speaker for Multiple Sessions, November, 2010; Virginia State Bar, Telephone and Webinar Course, Virginia, 2009; "What's Going On Here? Surging Consumer Litigation - Including Class Actions in State and Federal Court"; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference, Chicago, IL, May 2009; National Consumer Law Center, National Consumer Rights Conference, Philadelphia, Speaker for Multiple Sessions, November 2009; National Consumer Law Center, National Consumer Rights Conference, Portland, OR, Speaker for Multiple Sessions, November 2008; Washington State Bar, Consumer Law CLE, Speaker, September 2008; Washington State Bar, Consumer Law CLE, Speaker, July 2007; House Financial Services Committee, June 2007; National Consumer Law Center, National Consumer Rights Conference, Washington, D.C., Speaker for Multiple Sessions, November 2007; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference; Denver, Colorado, May 2007, Multiple Panels; U.S. Army JAG School, Charlottesville, Virginia, Consumer Law Course Instructor, May 2007; Georgia State Bar, Consumer Law CLE, Speaker, March 2007; Contributing Author, Fair Credit Reporting Act, Sixth Edition, National Consumer Law Center, 2006; National Consumer Law Center, National Consumer Rights Conference, Miami, FL, Speaker for Multiple Sessions, November 2006; Texas State Bar, Consumer Law CLE, Speaker, October 2006 Federal Claims in Auto fraud Litigation; Santa Clara University Law School, Course, March 2006 Fair Credit Reporting Act; Widener University Law School, Course, March 2006 Fair Credit Reporting Act; United States Navy, Navy Legal Services, Norfolk, Virginia, April 2006 Auto Fraud; Missouri State Bar CLE, Oklahoma City, Oklahoma; Identity Theft; National Consumer Law Center, National Consumer Rights Conference, Boston, Mass, Multiple panels; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference, New Orleans, Louisiana (May 2005), Multiple Panels; United States Navy, Naval Justice School (JAG Training), Newport, Rhode Island, Consumer Law; American Bar Association, Telephone Seminar; Changing Faces of Consumer Law, National Consumer Law Center, National Consumer Rights Conference, Boston, Mass; Fair Credit Reporting Act Experts Panel; and ABCs of the Fair Credit Reporting Act; National Association of Consumer Advocates, Fair Credit Reporting Act National Conference, Chicago, Illinois; Multiple Panels; Oklahoma State Bar CLE, Oklahoma City, Oklahoma, Identity Theft; Virginia State Bar, Telephone Seminar, Identity Theft; United States Navy, Naval Justice School (JAG Training), Newport, Rhode Island, Consumer Law; United States Navy, Navy Legal Services, Norfolk, Virginia, Auto Fraud; Virginia State Bar, Richmond and Fairfax, Virginia, Consumer Protection Law; Michigan State Bar, Consumer Law Section, Ann Arbor, Michigan, *Keynote Speaker*.

Law Center, and am a member of the Public Justice Foundation. I have been named as a multi-year Super Lawyer, a Law Dragon Top 500 Plaintiffs' Attorney and a Virginia Leader in the Law.

8. I was one of the contributing authors of the leading and comprehensive treatise "Fair Credit Reporting" published by National Consumer Law Center and used by judges and advocates nationally.

Consumer Litigation Associates, P.C.'s Class Action Experience

9. I have substantial experience in complex litigation, including class action cases, prosecuted under the Consumer Credit Protection Statutes, including the Fair Credit Reporting Act, the Equal Credit Opportunity Act, and the Fair Debt Collection Practices Act.

10. I have litigated dozens of class action cases based on consumer protection claims in the past decade. In each of the class cases where I have represented plaintiffs in a consumer credit case, when asked to do so by either contested or uncontested motion the court found me to be adequate class counsel. In each of these, I served in a lead or executive committee counsel role.

11. Additionally, for example, with respect to litigation of class actions, the attorneys of CLA and I have litigated the following class cases to a successful conclusion based upon the allegation that the defendant violated the FCRA as to an employment purpose report: *White v. CRST, Inc.*, No. 1:11-cv-2615 (N.D. Ohio); *Hall v. Vitran Express, Inc.*, No. 1:09-cv-00800 (N.D. Ohio); *Williams v. LexisNexis Risk Mgmt.*, 3:06-CV-241 (E.D. Va.); *Beverly v. Wal-Mart Stores, Inc.*, 3:07-CV-469 (E.D. Va.); *Anderson v. Signix, Inc.*, No. 3:08-CV-570 (E.D. Va.); *Reardon v. Closetmaid*, No. 2:08-cv-1730 (W.D. Pa.); *Smith v. Talecris Biotherapeutics, Inc.*, No. 1:09-CV-153 (M.D.N.C. July 7, 2010); *Daily v. NCO Fin.*, No. 3:09-CV-31-JAG (E.D. Va.); *Black v. Winn-Dixie Stores, Inc.*, No. 3:09-CV-502 (M.D. Fla.); *Ryals v. HireRight Solutions, Inc.*, 3:09-CV-625 (E.D. Va.); *Harris v. U.S. Physical Therapy, Inc.*, No. 2:10-CV-1508 (D. NV.); *Bell v. U.S.*

Express, Inc., No. 1:11-CV-181 (E.D. Tenn.); *Goode v. First Advantage LNS Screening Solutions, Inc.*, No. 2:11-cv-2950 (E.D. Pa.) (class awaiting approval); *Lengrand v. Wellpoint*, No. 3:11-CV-333 (E.D. Va.); *Henderson v. Verifications Inc.*, No. 3:11-CV-514 (E.D. Va.); *Pitt v. K-Mart Corp*, 3:11-CV-697 (E.D. Va.); *Teagle v. LexisNexis Screening Solutions, Inc.*, No. 1:11-cv-1280 (N.D. Ga.); *Stinson v. Advance Auto Parts*, No. 7:12-cv-433 (W.D. Va.); *Ellis v. Swift Transp. Co. of Az.*, No. 3:13-cv-473 (E.D. Va.); *Edwards v. Horizon Staffing, Inc.*, No. 1:13-cv-3002 (N.D. Ga.); *Shami v. Middle E. Broadcasting, Inc.*, No. 1:13-cv-467 (E.D. Va.); *Marcum v. Dolgencorp, d/b/a Dollar Gen.*, No. 3:12-cv-108 (E.D. Va.); *Wyatt v. SunTrust Bank*, 3:13CV662 (E.D. Va.); *Henderson v. HRPlus*, No. 3:14cv82 (E.D. Va.); *Henderson v. Backgroundchecks.com*, 3:13CV29 (E.D. Va.); *Henderson v. Acxiom Risk Sols.*, 3:12CV589 (E.D. Va.); *Manuel v. Wells Fargo Bank, Nat'l Ass'n*, No. 3:14-cv-238 (DJN) (E.D. Va.); *Ryals v. Strategic Screening Solutions, Inc.*, No. 3:14-cv-00643-REP (E.D. Va.); *Thomas v. First Advantage Screening Solutions, Inc.*, No. 1:13-cv-04161-CC-LTW (N.D. Ga.); *Smith v. Harbor Freight Tools USA, Inc.*, No. 2:13-cv-06262-JFW-VBK (C.D. Cal.); *Roe v. Intellicorp Records, Inc.*, No. 1:12-cv-02288 (N.D. Ohio); *Black v. Winn Dixie*, 3:09-cv-502 (M.D. Fla.); *Smith v. Rescare*, 3:13-cv-5211 (S.D. W. Va.); *Oliver v. FirstPoint, Inc.*, No. 1:14-cv-517 (M.D.N.C.); *Blocker v. Marshalls of MA, Inc.*, No. 1:14-cv-01940-ABJ.

12. Another attorney in my firm who has worked extensively on this case is Craig C. Marchiando. His practice is also exclusively consumer protection litigation. He is among the most experienced attorneys in the nation in this highly-specialized field of Fair Credit Reporting Act class action litigation. Mr. Marchiando graduated from South Texas College of Law *cum laude* in 2004, served a one-year appellate clerkship before moving to private practice, and was named a

Texas Super Lawyers Rising Star in class action and mass tort litigation in 2013 and 2014. He is licensed to practice in California, Texas, and Virginia.

13. Mr. Marchiando joined Consumer Litigation Associates in 2015. Since joining CLA, Mr. Marchiando has focused his practice on federal consumer protection law and class actions, representing consumers in cases against banks, mortgage companies, consumer reporting agencies, and debt collectors. He is a member of the National Association of Consumer Advocates and a member in good standing of the bars of multiple federal district and appellate courts. He has represented consumers in more than 75 federal cases, including more than twenty class actions.

14. The primary paralegals that worked for our firm in this case are experienced in the field of consumer protection and the legal field generally. Donna Winters and Vicki Ward have been legal assistants and then paralegals for more than twenty years each. Both have been with me practically since I began my practice and have deep understanding of the FCRA and class action litigation.

15. The hourly rates charged by my firm were most recently approved in a lodestar case under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, by the United States District Court for the Eastern District of Virginia, Richmond Division as follows: \$675 for Leonard Bennett, \$450 for Craig Marchiando and Elizabeth Hanes, and \$200 for paralegals Donna Winters and Vicki Ward. *Hayes v. Delbert Services Corp.*, No. 3:14-cv-258 (E.D. Va. 2017).

CLA's Lodestar and Expenses Incurred In This Litigation

16. We began the investigation and research that led to the coordination of the present Class Counsel several weeks before this case was first filed. I have taken one of the lead roles in the prosecution of the case and through the settlement discussions.

17. All of the work in this case was divided so that not only was it shared as broadly as possible, but so that tasks were allocated to avoid needless duplication of work. In addition, wherever possible, tasks were assigned to minimize the hourly rate assigned to subordinate tasks, meaning, for example, associate or paralegal-level work was not assigned to partners simply to increase Counsel's lodestar figures.

18. Through the date of this Declaration, my firm, Consumer Litigation Associates, P.C., has accumulated \$42,450.00 in legal fees litigating this case. This estimate does not include every single email response, minute of telephone time, or hour of strategy discussions that are necessary to pursue and settle a case of this magnitude against such well-funded and sophisticated Defendants and defense team. Certainly, some of the time individuals at my Firm spent on this case was missed in this total.

19. The time entries supporting my estimation are as follows:

<u>Timekeeper</u>	<u>Years of Experience</u>	<u>Hourly Rate</u>	<u>Hours</u>	<u>Total</u>
Leonard A. Bennett	20	\$675	36	\$24,300.00
Craig C. Marchiando	14	\$450	39	\$17,550.00
Vicki Ward	27	\$200	3	\$600.00
	TOTAL:			\$42,450.00

20. The Court is of course aware that litigation is expensive. The Parties engaged in significant discovery. In short, all the time accumulated by Class Counsel was necessary given the defense strategy, and the case was thoroughly investigated. The hours expended were reasonable and necessary under the circumstances.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

DATED: August 23, 2017 Newport News, Virginia



Leonard Anthony Bennett